

**REMARKS**

Reconsideration and allowance are respectfully requested. This Amendment accompanies a Request for Continued Examination. Claims 1, 4, 8, and 21 have been amended. Claims 6 and 7 have been canceled. Thus, claims 1-5, and 8-27 are pending.

Claims 1-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nally, Jr. '065. This rejection is respectfully traversed.

The independent claims 1, 8, and 21 have been amended to include the subject matter of claim 7. In particular, claims 1 and 8 have been amended to recite that the central portion of the first surface comprises an apex and a perpendicular height of the apex with respect to the base plane, and there is a generally direct correlation between the apex height and the orientation of the first orifice with respect to the longitudinal axis. Claim 21 has been amended in a similar manner, with the method ensuring that a generally direct correlation exists between the height of the apex and the orientation of the first orifice with respect to the longitudinal axis.

It is submitted that Nally, Jr. '065 does not teach or suggest a generally direct correlation between the apex height and the orientation of the first orifice with respect to the longitudinal axis as now claimed. Nally, Jr. '065 is silent as to the height of the apex shown in FIG. 8. Thus, Nally, Jr. does not teach the claimed generally direct correlation between the height of the apex and the orientation of the first orifice with respect to the longitudinal axis. Hence, the rejection should be withdrawn because it fails to demonstrate that the applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

If the Examiner contends that the features of original claim 7 are inherent in Nally Jr., Applicant refers the Examiner to MPEP 2112: ("The fact that a certain result or

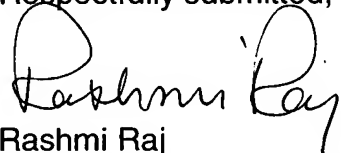
characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)(reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); ... ‘The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” (quoting In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999))).

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 19-2179, under Order No. 2003P10276US, and please credit any excess fees to such deposit account.

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Respectfully submitted,



Rashmi Raj  
Registration No. 50,500  
Attorney for Applicant  
Telephone No. 732-321-3872

Customer No. 28524